

REMARKS

New claim 34 has been amended. Accordingly, claims 1-34 are currently pending in the application, of which claims 1, 8, 23, and 29 are independent claims.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 4, 6-24, 26, 29, and 30 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,064,978 issued to Gardner, *et al.* ("Gardner"). Applicant respectfully traverses this rejection for at least the following reasons.

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

The Office Action fails to establish a *prima facie* case of anticipation at least because Gardner fails to disclose every claimed feature.

Claim 1 recites, *inter alia*:

- (c) receiving evaluation data for the question from a second user and an operator of the web page;
- (d) calculating evaluation result data, using the processor, by reflecting the evaluation data

The Office Action first relies upon the comments of Gardner to teach the evaluation data, and then relies upon the question points of Gardner to teach the evaluation data (page 3).

Consequently, the Office Action's analysis is flawed because it is inconsistent. The Examiner must be consistent with the interpretation of "evaluation data". *Southwall Tech. v. Cardinal IG Co.*, 54 F.3d 1570 (Fed Cir. 1995). The Examiner changes the interpretation because when relying upon the comments to be the "evaluation data", Gardner does not teach "calculating evaluation result data, using the processor, by reflecting the evaluation data." However, the Examiner cannot arbitrarily pick and choose different interpretations of the reference in order to reject the claimed features as being taught by the reference.

Further, the Office Action points to column 2, line 63, citing "via the computer network", to teach "calculating evaluation result data, using the processor" (page 3). Gardner discloses that "[a]n answer evaluation method is used to measure the quantity and quality of answers provided by question answerers, those providing answers to published questions via the computer network" (col. 2, lines 60-63). Hence, the computer network is used to provide answers to published questions, not to calculate evaluation result data. Even if the comments or the question points of Gardner may be relied upon to teach the evaluation data, Gardner does not teach "(d) calculating evaluation result data, using the processor, by reflecting the evaluation data."

Therefore, Gardner fails to disclose each and every claimed feature of claim 1 for at least these reasons.

Claim 8 recites, *inter alia*:

providing a question input by a first user on a given web page;
...
if a plurality of answers are input, receiving votes for the answers from a third user for a predetermined voting period; and
increasing polling score, using the processor, corresponding to the answers in response to the input of the votes

The Office Action fails to address all features of claim 8. Specifically, the Office Action does not explain which portions of Gardner are relied upon to teach the features of "if a plurality

of answers are input, receiving votes for the answers from a third user for a predetermined voting period." Applicants further submit that Gardner fails to teach or suggest at least "if a plurality of answers are input, receiving votes for the answers from a third user for a predetermined voting period."

Further, the Office Action points to column 2, line 63, citing "via the computer network", to teach "increasing polling score, using the processor" (page 5). Gardner discloses that "[a]n answer evaluation method is used to measure the quantity and quality of answers provided by question answerers, those providing answers to published questions via the computer network" (col. 2, lines 60-63). Hence, the computer network is used to provide answers to published questions, not to increase the polling score. Thus, Gardner does not teach "increasing polling score, using the processor, corresponding to the answers in response to the input of the votes."

The Office Action also relies upon the numerical score of Gardner to teach the polling score of claim 8 (page 5). Gardner discloses that "A assigns a quantitative evaluation, e.g. a letter grade or numerical score, to each of the comments that were deemed to constitute an answer or part of an answer in step 106" (col. 3, lines 34-37). However, the numerical score is determined by A, not by the input of votes. Even if Gardner may be relied upon to teach receiving votes, Gardner does not teach "increasing polling score, using the processor, corresponding to the answers in response to the input of the votes."

Therefore, Gardner fails to disclose each and every claimed feature of claim 8 for at least these reasons.

Claim 23 recites, *inter alia*:

if the period has elapsed, receiving input for adopting the answer and evaluation data for the adopted answer from the first user; and increasing point data, using the processor, associated with the second user who input the adopted answer based on the evaluation data

Gardner fails to disclose at least these features. The Office Action states that “[c]laim 23 recites the same or similar limitations as those addressed above for claim 8. Claim 23 is therefore rejected for the same reasons as set forth above for claim 8, respectively” (page 9). Applicant disagrees. Claim 8 does not include at least the above features of claim 23. Thus, the Office Action fails to address every feature of claim 23. Applicant further submits that Gardner fails to teach or suggest at least the above features of claim 23. Therefore, the Office Action is incomplete and, at a minimum, ought to be withdrawn at least for this reason.

Further, as shown in steps 108 and 110, Gardner teaches “receiving input for adopting the answer and evaluation data for the adopted answer from the first user” before the answer is completed (Fig. 1). Thus, Gardner does not teach “receiving input for adopting the answer and evaluation data for the adopted answer from the first user” if a period for receiving answers has elapsed.

Therefore, Gardner fails to disclose each and every claimed feature of claim 23 for at least these reasons.

Claim 29 recites, *inter alia*:

(d) deciding, using the processor, the question and an answer associated with the question as knowledge data

The Office Action points to column 2, line 63, citing “via the computer network”, to teach “increasing polling score, using the processor” (page 10). Gardner discloses that “[a]n answer evaluation method is used to measure the quantity and quality of answers provided by question answerers, those providing answers to published questions via the computer network” (col. 2, lines 60-63). Hence, the computer network is used to provide answers to published questions, not to decide the question and answer. Thus, Gardner does not teach “deciding, using the processor, the question and an answer associated with the question as knowledge data.”

Therefore, Gardner fails to disclose each and every claimed feature of claim 29 for at least these reasons.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 8, 23, and 29. Claims 2-7 and 33 depend from claim 1 and are allowable at least for this reason. Claims 9-22 depend from claim 8 and are allowable at least for this reason. Claims 24, 26, and 28 depend from claim 23 and are allowable at least for this reason. Claims 25 and 27 depend from claim 8 or 23 and are allowable at least for this reason. Claims 30-32 depend from claim 29 and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1, 8, 23, and 29, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103

Claims 2, 5, 25, 27, 28, and 31-33 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Gardner, and further in view of U.S. Patent Application Publication No. 2003/0163356 applied for by Marks, *et al.* ("Marks"). Applicant respectfully traverses this rejection for at least the following reasons.

Applicant respectfully submits that claims 1, 8, 23, and 29 are allowable over Gardner, and Marks fails to cure the deficiencies of Gardner noted above with regard to claims 1, 8, 23, and 29. Hence, claims 2, 5, 25, 27, 28, and 31-33 are allowable at least because they depend from allowable claim 1, 8, 23, or 29.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2, 5, 25, 27, 28, and 31-33. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that claims 2, 5, 25, 27, 28, and 31-33 are allowable.

Dependent Claims

Without disclaiming the independent patentability of any dependent claim, claims 9, 12, and 15 are separately patentable over the prior art of record.

Claim 9 recites, *inter alia*:

further comprising providing the polling score on the web page in association with the answers

The Office Action points to column 4, lines 60-62 of Gardner as teaching these features (page 5). Gardner discloses that "a public display 600 is provided with the best answerers ranked according to the number of answer points each has earned" (col. 4, lines 60-62). The public display 600 shows the "Top 15 Experts Exchanges's Microsoft Window 95 Setup experts" and lists the username and points each user has earned (Fig. 6). Gardner teaches providing the scores for the answerers, not for the answers. However, the polling score of claim 8 is related to votes received for the answers, not to the users who answer the questions. Thus, Gardner does not teach "further comprising providing the polling score on the web page in association with the answers."

Claim 12 recites, *inter alia*:

receiving the votes comprises receiving the votes for the answers from the third user if the answer period has elapsed

The Office Action points to column 3, lines 40-45 of Gardner as teaching these features (page 5). As shown in Figure 1 of Gardner, the answer is completed at step 110, and the answer points are awarded to answers supplying accepted comments at step 112. At step 114, N question points are removed from question asker A's account. Thus, Gardner clearly does not teach "receiving the votes for the answers from the third user if the answer period has elapsed."

Claim 15 recites, *inter alia*:

wherein if the polling score corresponding to the answers is less than predetermined polling score after the voting period has elapsed, not adopting an answer and displaying that there is no adopted answer

As noted above, the Office Action relies upon the numerical score of Gardner to teach the polling score of claim 8. Gardner discloses that "A assigns a quantitative evaluation, e.g. a letter grade or numerical score, to each of the comments that were deemed to constitute an answer or part of an answer in step 106" (col. 3, lines 34-37). However, Gardner does not teach adopting an answer based on the numerical score assigned by A. Thus, Gardner does not teach "wherein if the polling score corresponding to the answers is less than predetermined polling score after the voting period has elapsed, not adopting an answer and displaying that there is no adopted answer."

Added Claims

Added claim 34 is directed to additional features of the invention, which are not disclosed or suggested in the art of record. Claims 34 is allowable at least because it depends from an allowable claim 8.

CONCLUSION

A full and complete response has been made to the pending Office Action, and all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, all pending claims are allowable, and the application is in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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